

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GARY KOOPMANN, TIMOTHY KIDD and
VICTOR PIRNIK, Individually and on Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

FIAT CHRYSLER AUTOMOBILES N.V.,
FCA US LLC, SERGIO MARCHIONNE,
SCOTT KUNSELMAN, MICHAEL DAHL,
STEVE MAZURE and ROBERT E. LEE,

Defendants.

No. 15 Civ. 7199 (JMF)

**DECLARATION OF WILLIAM B. MONAHAN
IN OPPOSITION TO PLAINTIFFS' LETTER-MOTION SEEKING TO
EXPAND THE NUMBER OF DEPOSITIONS AND INTERROGATORIES**

I, William B. Monahan, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a member of the bar of this Court and a partner at the law firm of Sullivan & Cromwell LLP ("S&C"), counsel for Defendants in the above-captioned action (the "Action").

2. I respectfully submit this Declaration in opposition to Plaintiffs' May 7, 2018 letter-motion ("Letter"; ECF No. 190) requesting leave to (i) take up to 40 depositions specifically in this Action, plus participate in an unspecified number of additional depositions in the multidistrict litigation currently pending in the Northern District of California (the "MDL"), and (ii) serve up to 50 interrogatories.

3. From April 24—when Plaintiffs first proposed expanding the number of depositions beyond the 10-deposition limit set under Federal Rule of Civil Procedure 30(a)(2)(A)(i)—to May 4, 2018, I, along with others at S&C, met and conferred with counsel for Plaintiffs regarding their request to take additional depositions in this Action. Attached

hereto as Exhibit A is a true and correct copy of the parties' e-mail correspondence during this period.

4. On May 2, 2018, after learning that Plaintiffs' counsel represented during a meet and confer that it was unable to coordinate with the MDL plaintiffs, I contacted the Plaintiffs Steering Committee ("PSC") in the MDL to attempt to determine what steps the various plaintiffs' counsel were taking to coordinate depositions. Based on those discussions, I concluded that, while there were some initial discussions among the various plaintiffs' counsel, none of them—including Plaintiffs' counsel in this Action—had made any meaningful attempt to coordinate depositions. For instance, it did not appear from my discussions with the PSC that the MDL plaintiffs had provided their proposed list of deponents to Plaintiffs' counsel in this Action, nor that Plaintiffs' counsel in this Action had provided their proposed list of deponents to the MDL plaintiffs. S&C thereafter attempted to facilitate coordination by providing Plaintiffs' counsel with a list of deponents in the MDL. (Ex. A. at May 3, 2018, 5:25 pm.)

5. Attached hereto as Exhibit B is a true and correct copy of a Stipulation and Order Relating to Deposition Protocol (Pretrial Order No. 14), dated November 3, 2017, in the MDL, *In re Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Products Liability Litigation*, No. 17-md-02777 (N.D. Cal. Nov. 3, 2017), ECF No. 247.

6. Attached hereto as Exhibit C is a true and correct copy of Defendants' Responses and Objections to Lead Plaintiffs' Amended Second Set of Interrogatories, dated April 2, 2018.

7. Attached hereto as Exhibit D is a true and correct copy of Plaintiffs' Memorandum [*sic*] of Law in Support of Interested Party Response to Defendants' Motion to Transfer the *Prnik* [*sic*] Action to the MDL for Coordinated Pre-Trial Proceedings, dated

January 9, 2018, in *In re Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2777 (J.P.M.L.), ECF No. 22.

8. Attached hereto as Exhibit E is a true and correct copy of an Amended Joint Rule 26(f) Report, Discovery Plan, and Scheduling Order, dated July 29, 2014, in *Freedman v. Weatherford International Ltd.*, No. 12-cv-2121 (S.D.N.Y.) (Kaplan, J.), ECF No. 84.

9. Attached hereto as Exhibit F is a true and correct copy of a Hearing Transcript, dated October 24, 2016, in *ECD Investor Grp. v. Credit Suisse International*, No. 14-cv-8486 (S.D.N.Y.) (Netburn, J.), ECF No. 133.

10. Attached hereto as Exhibit G is a true and correct copy of an Endorsed Letter, dated November 5, 2015, in *Kaplan v. S.A.C. Capital Advisors, L.P.*, No. 12-cv-9350 (S.D.N.Y.) (Fox, J.), ECF No. 237.

11. Attached hereto as Exhibit H is a true and correct copy of a Stipulation and Order Regarding Number of Depositions, dated April 22, 2010, in *Berks County Employees' Retirement Fund v. First American Corp.*, No. 08-cv-5654 (S.D.N.Y.) (Kaplan, J.), ECF No. 65.

12. Attached hereto as Exhibit I is a true and correct copy of Defendants' Submission on Pretrial Schedule and Presumptive Limits on Depositions and Interrogatories, dated May 9, 2013, in *In re IndyMac Mortgage-Backed Securities Litigation*, No. 09-cv-04583 (S.D.N.Y.) (Kaplan, J.), ECF No. 429.

13. Attached hereto as Exhibit J is a true and correct copy of a Joint Rule 26(f) Report and Discovery Plan, dated May 9, 2014, in *In re JPMorgan Chase & Co. Securities Litigation*, No. 12-cv-03852 (S.D.N.Y.) (Daniels, J), ECF No. 111.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of May 2018, in New York, New York.

/s/ William B. Monahan
William B. Monahan